

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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HALIT KOLJENOVIC and SAFET KOLJENOVIC,

09-CV-4480(NG)(LB)

Plaintiffs,

- against -

DAVID MARX, FBD REALTY, LLC; 7 MDR  
OF QUEENS, INC.; 8 MDR OF QUEENS,  
INC.; RMDM OF NEW YORK – 87, INC.,

**DECLARATION OF  
RICHARD L. YELLEN  
IN SUPPORT OF  
DEFENDANTS’  
MOTION FOR  
PARTIAL SUMMARY  
JUDGMENT**

Defendants.  
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RICHARD L. YELLEN, under penalty of perjury, hereby declares the following  
in support of Defendants’ Motion for Summary Judgment as to the Second and Third Causes of  
Action of Plaintiff’s Second Amended Complaint:

1. I am a partner of Richard L. Yellen & Associates, attorneys for Defendants  
herein, and am duly admitted to practice before the courts of the Eastern District of New York.
2. Annexed hereto as **Exhibit A** is a true copy of the Affidavit of Elie Deitsch, dated  
March 16, 2011, submitted in support of the present motion.
3. Annexed hereto as **Exhibit B** is a true copy of the transcript of the deposition of  
Halit Koljenovic, dated October 1, 2010.
4. Annexed hereto as **Exhibit C** is a true copy of the transcript of the deposition of  
Safit Koljenovic, dated October 4, 2010.
5. Annexed hereto as **Exhibit D** is a true copy of the payroll records of 8MDR of  
Queens, Inc. for Halit Koljenovic, for the years 2004 through 2008, which payroll records were  
provided to Plaintiffs as part of Defendants’ document production. These payroll records

indicate that during said period, no deductions (other than standard payroll deductions) were made from Halit Kolkenovic's pay.

Dated: New York, New York  
December 22, 2011

\_\_\_\_\_/s/  
Richard L. Yellen (RY 6213)  
RICHARD L. YELLEN  
& ASSOCIATES, LLP  
111 Broadway, Suite 1103  
New York, New York 10006